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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/941,832 10/01/97 CHACON

G 80000054

LM02/0819

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EXAMINER

JONES, H

ART UNIT

PAPER NUMBER

2763

DATE MAILED:

08/19/99

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/941,832

Applicant(s)  
Chacon

Examiner  
Hugh Jones

Group Art Unit  
2763

☒ Responsive to communication(s) filed on Apr 14, 1998

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-3 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-3 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "function of processes" needs to be clarified.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Umeda et al. (U. S. Patent 5,544,348) or Seppanen (IEEE, 1993) or Wiwakanond et al. or Corbett et al..

5. Applicant is disclosing a virtual Kanban system, wherein said Kanban system is a function of processes, and a means for simulating said system.

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6. Umeda et al. teaches simulation of a Kanban system. See entire disclosure and particularly: abstract; figs. 1-15; col. 1, lines 42-55; col. 3, lines 48-67; col. 3, lines 1-48; col. 10 lines 1-67; col. 18, lines 10-67.
7. Seppanen teaches: "Kanban Simulator using Siman and Lotus 1-2-3." See particularly: abstract; and pp. 838-844.
8. Wiwakanond et al. teach "Simulation of Electronics Manufacturing Systems with Two-Card Kanban." See particularly: entire disclosure.
9. Corbett et al. disclose a review of papers concerning simulations of scheduling systems, including Kanban systems. See apticularly: abstract; sections 2-3, and list of references.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Umeda et al. or Seppanen or Wiwakanond et al. or Corbett et al. in view of official notice. Umeda et al. or Seppanen or Wiwakanond et al. or Corbett et al. do not explicitly teach manually modifying the start and end of each Kanban stage and said number of card for each Kanban stage. However, this


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relates to manually inputting data into a simulation; official notice is taken that this would have been an obvious modification to one of ordinary skill in the simulation arts at the time of the invention.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Hugh Jones whose telephone number is (703) 305-0023.

Dr. Hugh Jones

August 13, 1999



KEVIN J. TESKA  
SUPERVISORY  
PATENT EXAMINER